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7 UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff

12 v.

13 JASON JOHN FUHR,

14 Defendant.
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NO. CR18-089 RSM

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**PRELIMINARY
ORDER OF FORFEITURE**

18 THIS MATTER comes before the Court on the United States' Motion for Entry of
19 a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States,
20 Defendant Jason John Fuhr's interest in the following property:

- 21 1. One black CZ, model 75 P-07, 9mm caliber pistol, bearing serial number
22 B208156; and,
23 2. Approximately 15 rounds of 9mm caliber ammunition.

24 The Court, having reviewed the United States' Motion, as well as the other papers
25 and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture
26 is appropriate because:

- 27 • The above-identified firearm and ammunition are forfeitable pursuant to
28 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), as they were involved in

Possession of a Stolen Firearm, in violation of 18 U.S.C. § 922(j), to which the Defendant has entered a plea of guilty; and,

- In the plea agreement he entered on September 19, 2018, the Defendant agreed to forfeit the above-identified firearm and ammunition pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) (Dkt. No. 31, ¶ 8).

NOW, THEREFORE, THE COURT ORDERS:

1. Pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c), and his plea agreement, the Defendant's interest in the above-identified firearm and ammunition is fully and finally forfeited, in its entirety, to the United States;

2. Pursuant to Federal Rule of Criminal Procedure ("Fed. R. Crim. P.") 32.2(b)(4)(A)–(B), this Preliminary Order will be final as to Defendant at the time he is sentenced; it will be made part of the sentence; and, it will be included in the judgment;

3. The Bureau of Alcohol, Tobacco, Firearms, and Explosives, and/or its authorized agents or representatives, shall maintain the firearm and ammunition in its custody and control until further order of this Court;

4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the firearms and associated ammunition as permitted by governing law. The notice shall be posted on an official government website - currently www.forfeiture.gov - for at least thirty (30) days. For any person known to have alleged an interest in the property, the United States shall also, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than Defendant, who has or claims a legal interest in the property must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice shall advise all interested persons that the petition:

- a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property;
- b. shall be signed by the petitioner under penalty of perjury; and,
- c. shall set forth the nature and extent of the petitioner's right, title or interest in the property, as well as any facts supporting the petitioner's claim and the specific relief sought.

5. If no third-party petition is filed within the allowable time period, the United States shall have clear title to the firearms and associated ammunition, and this Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6. If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues its presents, discovery may be conducted in accord with the Federal Rules of Civil Procedure before any hearing is conducted on the petition. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and,

7. The Court will retain jurisdiction for the purpose of enforcing this Preliminary Order, adjudicating any third-party petitions, entering a Final Order of Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to Federal Rule of Criminal Procedure 32.2(e).

IT IS SO ORDERED.

DATED this 15th day of April, 2019.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

1
2 Presented by:

3
4 /s Michelle Jensen

5 MICHELLE JENSEN

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